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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,746	10/29/2003	Dan Coppus	RANPP0346USA	6320

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EXAMINER

HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/696,746

Applicant(s)

COPPUS ET AL

Examiner

Christopher R. Harmon

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3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 18-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group I, claims 1-17, in the reply filed on 5/26/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Due to the amendment of 5/26/05 claims 29-34 are also included in Group I. Claims 18-28 are not included in Group I and further define a separate invention (II).

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed i.e. the supply does not include a continuous ply or rectangular pages. The subcombination has separate utility such as supply directly to a packaging for use as dunnage.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

2. Claims 18-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/26/05.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10-14, 16, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons, Jr. (US 5,387,173).

Simmons, Jr. discloses a conversion system comprising a dunnage converter 54 with upright and transverse members 36 and fan folded stock material; see figure 1. Simmons, Jr. provides for palletizing boxes of fan folded stock material for conversion (see column 5, lines 18-22). Given the dimensions of the boxes 20 "palletizing" the stock material includes multiple boxes stacked horizontally and vertically and a system with two or more stacks of fan folded stock material are provided with a portable support device; i.e. a pallet.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-16, and 29-32 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ratzel (US 5,823,936).

Ratzel discloses a dunnage converter with a supply of stock material as taught by Simmons, Jr. in US 5,387,173; see above and column 5, lines 21-23. Ratzel discloses the use of a cart for positioning the stock supply; see column 7, lines 22-26. It is not clear as to the specific teaching of Ratzel of supplying the fan stock supply to the converter, however given the disclosure of palletizing multiple stacks (in boxes 20) of fan stock material for use in the dunnage converter the loading of the converter would incorporate positioning the stacks proximate the converter for conversion. At least it would have been obvious to one of ordinary skill in the art at the time the invention was made to position two or more stacks proximate the converter before feeding them to the converter sequentially in order to convert a needed amount of dunnage.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons, Jr. (US 5,387,173).

Simmons, Jr. does not directly disclose the transverse member of the support as moveable to height above the stacks. Given that the transverse member of Simmons, Jr. may interfere with the varying heights of stacks being fed to the converter, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for adjustable heights of the transverse member since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratzel as applied to claims 1-5, 8-16, and 29-32 above and further in view of Harding (US 6,756,096).

Ratzel does not directly disclose loading on the support device without interrupting the dunnage converter however Harding teaches splicing fan folded leading end to the trailing end during a conversion process so as to prevent downtime; see figure 3. At least two stacks are simultaneously conveyed to the converter of the multiplied stacks of stock material after the splicing operation. It would have been obvious to one of ordinary skill in the art to load the stock material as taught by Harding in the invention to Ratzel for providing for a continuous converting process. Note: the limitation of sequential loading without interruption (claim 6) could be interpreted as broadly as an operator placing another stack upon the support.

8. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratzel as applied to claims 1-5, 8-16, and 29-32 above, and further in view of Simmons, Jr. et al. (US 6,095,454).

The cart of Ratzel is not fully disclosed however Simmons, Jr. et al. teaches a dunnage conversion system with a cart for supporting multiple supplies of stock material comprising upright members 92 with an inward channel which would support the stacks of stock material. It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to include the cart of Simmons, Jr. in the invention to Ratzel for supplying multiple stacks of stock material for the conversion process.

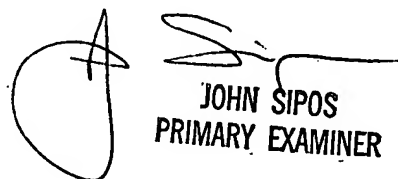
***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOHN SIPOS  
PRIMARY EXAMINER

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